

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGER TOWERS,

Petitioner,

v.

SUPERIOR COURT, COUNTY OF
STANISLAUS,

Respondent.

Case No. 1:20-cv-00411-NONE-JDP

ORDER GRANTING PETITIONER'S
MOTION TO USE ELECTRONIC CASE
FILING SYSTEM

ECF No. 15

Petitioner Roger Towers, a state probationer without counsel, petitioned for a writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 1. On June 8, 2020, petitioner moved for permission to use this court's case management/electronic case filing (CM/ECF) system. ECF No. 15. Respondent has filed no opposition and the time to do so has passed.

Discussion

In general, petitioners proceeding without counsel "shall file and serve paper documents" with the court. L.R. 133(a). However, a pro se petitioner may file using CM/ECF with the court's permission. L.R. 133(b)(2). Requests to use electronic filing "shall be submitted as stipulations as provided in L.R. 143 or, if a stipulation cannot be had, as written motions setting out an explanation of reasons for the exception." L.R. 133(b)(3).

1 Petitioner sought a stipulation to his use of CM/ECF from respondent but was unable to
2 obtain it. ECF No. 15 at 4-5. Petitioner then moved for permission to use CM/ECF, stating that
3 the cost and time required by paper filing is burdensome and that he has successfully used the
4 state court's electronic filing system in the past. *Id.* at 3. We are satisfied with petitioner's stated
5 reasons for the exception and grant his motion.

6 Petitioner is directed to familiarize himself with this court's CM/ECF policies and
7 procedures, as they differ from those of the state court. Petitioner must fully acquaint himself
8 with this court's CM/ECF user's manual and complete all relevant portions of the electronic
9 learning modules prior to submitting any filings.¹ Petitioner must file all documents in the format
10 dictated by our local rules. *See* L.R. 130, 133-35, 190. All requests made to the court should be
11 filed in the form of a motion. Fed. R. Civ. P. 7(b)(1). If petitioner is unsure how to file a
12 document, he should contact the clerk's office and clarify how to file *before* filing. Documents
13 filed incorrectly will be rejected and must be refiled correctly before consideration by the court.
14 Petitioner is cautioned that access to CM/ECF will be terminated if he makes unnecessarily
15 voluminous filings or otherwise abuses his access to CM/ECF.

16 **Order**

- 17 1. Petitioner's motion to use CM/ECF, ECF No. 15, is granted;
18 2. petitioner is directed to provide the clerk's office with his email address, which must be
19 maintained throughout the entire proceeding; and
20 3. the clerk of the court is directed to mail petitioner a consent to electronic service form.

21 Upon return of this form, the clerk's office is directed to assign petitioner a CM/ECF login
22 and password.

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27 ¹ Available at: [http://www.caed.uscourts.gov/caednew/index.cfm/cmecf-e-filing/cmecf-users-](http://www.caed.uscourts.gov/caednew/index.cfm/cmecf-e-filing/cmecf-users-manual/)
28 manual/.

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2 IT IS SO ORDERED.

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4 Dated: June 29, 2020


UNITED STATES MAGISTRATE JUDGE

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6 No. 206.
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